

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 31, 2023

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JASON S.,¹

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

NO: 1:23-cv-03128-LRS

ORDER GRANTING STIPULATED
MOTION FOR REMAND

BEFORE THE COURT is the parties' Stipulated Motion for Remand, ECF No. 6. Based on the stipulation of the parties, the Court finds good cause to grant the motion.

Accordingly, pursuant to the stipulation, **IT IS HEREBY ORDERED:**

1. Defendant's Stipulated Motion for Remand, **ECF No. 6** is **GRANTED**.

¹ The court identifies a plaintiff in a social security case only by the first name and last initial in order to protect privacy. *See* LCivR 5.2(c).


2. This case is **REVERSED** and **REMANDED** for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

3. On remand, the Appeals Council will instruct the ALJ to further evaluate Plaintiff's subjective complaints and residual functional capacity, including his complaints about headaches. The ALJ will consider whether Plaintiff's headache disorder equals a step-three listing as directed by Social Security Ruling 19-4p. The ALJ will further develop the record as additionally needed, offer Plaintiff the opportunity for a new hearing, and issue a new decision.

4. Upon proper presentation, this Court will consider Plaintiff's application for costs, expenses, and reasonable attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(a), (d).

IT IS SO ORDERED. The District Court Clerk is directed to enter this Order and provide copies to counsel. Judgment shall be entered for Plaintiff and the file shall be **CLOSED**.

DATED October 31, 2023.



LANNY R. SUKO
Senior United States District Judge